

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Automatic Rain Sensor for Lawn Irrigation Systems

Adopted Amendments: N.J.A.C. 5:23-3.4, 3.16

Proposed: September 3, 2002 at 34 N.J.R. 3045(a

Adopted: June 16, 2003 by Susan Bass Levin, Commissioner, Department of
Community Affairs

Filed: , 2003 as R. 2003, d. **without change.**

Authority: N.J.S.A. 52:27D-124

Effective Date: , 2003.

Expiration Date: January 15, 2008

SUSAN BASS LEVIN, Commissioner

Summary of Public Comments and Agency Responses

Comments were received from American Lawn Sprinkler Company; Jon Bard, Polystar, Inc.; B. George Beausoleil, Aquarius Irrigation Supply Inc.; John J. Carbone Jr., Morris & Bergen County Irrigation Inc.; Joseph P. Carbone, 5C's Landscaping, Inc.; Tom Ciocco, Shipshape Landscape, Inc.; Michael Cioffi, Jacobsen Landscape Design and Construction; Martin DeNinno, Delaware Valley Irrigation Company, Inc.; Mary Lou Des Champs, Storr Tractor Company; D. Pepper deTuro, Woodwinds Association; Nancy DiRienzo, Paige Electric Company; Robert D. Dobson, Middletown Sprinkler Sompany, Inc.; Fred M. Eden, New Jersey Irrigation Company; Dennis Elmers, Homestead Lawn Sprinkler Company, Inc.; Andrew Field, Barton Supply; Chris Gargiulo, Chris Gargiulo Inc.; Una Grey, Madelyn Simon & Associates, Inc.; Jim Grusemeyer Jr., WetLawn Automatic Sprinkler Systems; Grinkevich Lawn & Landscape Inc.; Daniel C. Gubitosa, D&J Landscaping, Inc.; Pete Haran, Lipinksi Landscape Irrigation, Inc.; J. Peter Hays, All Turf, Inc.; Larry E. Hepner, Dutch Neck Landscaping; R. Stewart Holley, Lawn Systems Irrigation Contractors; Joseph Hudak, Water-matic Lawn Sprinkler Company; Steven D. Joseph, Joseph's Landscaping & Irrigation, Inc.; Steve Kennedy, Dew Drop Lawn Sprinklers; John Kauffman, Colonial Land Design; John H. Kohler IV, Sprinklers Sales & Service, Inc.; Linda S. Kraft, Meticulous Landscaping, Inc.; Michael M. Kukol, Chairman, Landscape Irrigation Contractors Examining Board; Gavin J. Lingo, The Lingo Group; Michael A. Lopergolo Jr., Turf Construction Company, Inc.; Stephen Maffei, WaterMiser; Stephen J. Makrancy, L.J. Makrancy & Sons; Michael McNally, Quality Lanscaping, Inc.; Scott McNaughton, Water Witch Lawn Sprinkler Systems; Walter Mugavin, Aqua-Mist Irrigation; Bruno C. Pillari, Pillari Bros., Inc.; John Raffiani, Raffiani's Automatic Sprinkler Service; Mark S. Reynolds, Reynolds Landscaping Inc.; Sheldon Rogers, Garden Irrigation; Anthony Russo, State Street Associates; Dominic Scaffaldi Sr., Irrigation Unlimited; Kenneth Scherer, Ken Scherer's Belle Mead Nursery/Hillsborough Irrigation; Darius Sheik, Coastal Landscaping & Sprinkler Systems; Anthony A. Sierchio Jr., Jersey Shore Lawn Sprinkler Construction Company Inc.; Scott Stetser, Irrigation Association of New Jersey; James R. Stewart, Bob Stewart Irrigation; David N. Teed, Paige Electric Company; Louis Toth, Aqua-Lawn, Inc.; Glenn R. Whelan, Star Sprinkler Systems, Inc.; Timothy A. Whitney, Aqua Blue Irrigation Inc.; Howard Ziegler, Custom Lawn Irrigation.

COMMENT: The Landscape Irrigation Contractors Examining Board thanks the Department of Community Affairs for proposing this rule to help enforce an important statutory mandate. The board agrees with the assignment of inspection duties to the electrical inspector, but urges that the rule be clarified so that it is consistent with the requirement in the "Landscape Irrigation Contractor Certification Act of 1991" that no one may engage in the business of landscape irrigation contracting without being first certified by the board. Training and passage of an examination, which includes questions on the electrical subcode, are both prerequisite to certification. The certification is important to assure that electrical work on these systems is performed properly. The contractor should be required to sign and seal the permit application and no permit should be issued without compliance with the Act.

RESPONSE: The Department agrees and will publish a future proposal to require that the landscape irrigation contractor sign and seal the permit application.

COMMENT: An irrigation contractor concurs with the assignment of inspection of rain sensors to the electrical inspector. While these devices may collect or absorb rainfall, they are actually electrical microswitches that interrupt the low voltage circuits used to control automatic irrigation. Since the Uniform Construction Code already requires inspection of the low voltage control wire by the electrical inspector, it naturally follows that he should inspect the rain sensor as well.

RESPONSE: The Department agrees that the electrical inspector should have responsibility, as proposed. Please see comment and response below.

COMMENT: Many irrigation contractors submitted comments contending that it is only due to some incorrect assumptions that the electrical subcode officials are proposed to be designated to inspect the automatic rain sensor devices on newly installed lawn sprinkler systems. An electrical permit should not be required for the installation of an automatic rain sensing device. A rain sensor is a low voltage mechanism that gets wired directly into the low voltage sprinkler controller. The electrical work does not require any high voltage application. The only time an electrical permit would be required is when a pump is installed. Pump installation is a very unlikely case though. However, backflow preventers are installed on over 95 percent of new lawn sprinkler systems and that would require a plumbing permit. Therefore, it is the commenters' position that the plumbing subcode official is a better choice than the electrical subcode official to inspect the rain sensor device, since he/she is already onsite to inspect the backflow device. Bringing a second inspector onto each jobsite would only serve to cause additional expense and paperwork and would have an adverse effect on the viability of the commenters' businesses.

RESPONSE: All electrical work requires an electrical permit unless it is exempted under N.J.A.C. 5:23-2.7 as "ordinary maintenance." Installation of automatic rain sensors is not work that is thus exempted. Therefore, it requires an electrical permit and inspection. Plumbing inspectors and electrical inspectors are trained to inspect those items that are within the scope of their respective code disciplines and, if installation of a device involves both plumbing and electrical work, then both inspections are needed.

COMMENT: Only licensed electricians can apply for an electrical permit. This will add costs by requiring payment for a licensed electrician to sign the permit application and to install the sensors, in addition to the payment for the inspection.

RESPONSE: As stated above, these installations already require an electrical permit under the Uniform Construction Code. The requirement for an electrical permit is not a requirement to hire a licensed electrical contractor. Under the Landscape Irrigation Contractor Certification Act, the landscape irrigation contractor is permitted to perform the electrical work associated with the installation of this device.

Federal Standards Statement

No Federal Standards analysis is required because the proposed amendments are not being proposed pursuant to Federal law or in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.